

BEFORE THE STATE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:

WILLIAM D. VOTAW,
License No. LRA-306

Respondent.

Case No. REA-B1-02-008

FINAL ORDER

THIS MATTER came on for hearing on January 24, 2002, before Nicole S. McKay, the designated Hearing Officer. The State appeared in person and by its attorney of record, Kirsten L. Wallace, Idaho Deputy Attorney General. Respondent, William D. Votaw, appeared in person without legal counsel. The parties presented witnesses, testimony, and documentary evidence. On February 7, 2002, the Hearing Officer submitted her Memorandum Decision and Recommended Order.

This matter came before the Idaho State Board of Real Estate Appraisers at a regularly scheduled meeting of the Board on April 16, 2002. The Board remanded the matter for preparation of a transcript of the hearing. On or about January 31, 2003, the Hearing Officer, as directed by the Board, issued a Schedule of Review regarding the Memorandum Decision and Recommended Order.

The matter then came before the Board at a regularly scheduled meeting on February 18, 2003. The Board, having conducted an independent review of the record and having considered all evidence and arguments of counsel presented before the Hearing Officer, the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order and all other matters of record, and good cause appearing therefore, the Board unanimously adopted the following Order.

FINAL ORDER - 1.

IT IS HEREBY ORDERED as follows:

1. That the Hearing Officer's Findings of Fact and Conclusions of Law are hereby adopted and incorporated herein by reference.

2. That the Respondent's conduct, as set forth in the Hearing Officer's Findings of Facts and Conclusions of Law, has violated Idaho Code § 54-4107(1)(d) and Board Rule 401.02 (IDAPA 24.18.01.401.02). Pursuant to Idaho Code §§ 54-4017, 67-2609(a)(7), and IDAPA 24.18.01.525, the Board possesses the authority to impose the following disciplinary sanctions upon the Respondent, William D. Votaw, as set forth in this Final Order.

3. Respondent's license shall be suspended until such time as Respondent satisfies the following requirements:

a. That the Respondent provides written verification to the Board of completion of forty-five (45) hours of continuing education approved by the Board for the three (3) year certification period ending June 30, 2001;

b. That the Respondent provide written verification to the Board of completion of fifteen (15) hours of continuing education approved by the Board for the licensure period ending June 30, 2002;

c. That the Respondent pay to the Board the costs and attorney's fees incurred by Board in the investigation and prosecution of Respondent in this proceeding in the amount of Eight Hundred Thirty and 85/100 Dollars (\$830.85); and

d. That the Respondent shall pay a fine to the Board in the amount of One Thousand Dollars (\$1,000.00).

FINAL ORDER - 2.

4. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (See, Idaho Code § 67-5247(4)).

b. Pursuant to Idaho Code §§ 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (See, Idaho Code § 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

5. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent's attorney and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 25 day of April, 2003.

STATE BOARD OF REAL ESTATE APPRAISERS

By [Signature]
Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of April, 2003, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

William D. Votaw
P.O. Box 44371
Boise, Idaho 83711

☒ U.S. Mail
☒ Certified U.S. Mail
☐ Hand Delivered
☐ Federal Express

Cheri Bush
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010
Attorneys for the State Board of Real
Estate Appraisers

☐ U.S. Mail
☐ Hand Delivered
☐ Federal Express
☒ Statehouse Mail

[Signature]
Rayola Jacobsen, Bureau Chief

STATE OF IDAHO

DEPARTMENT OF SELF-GOVERNING AGENCIES

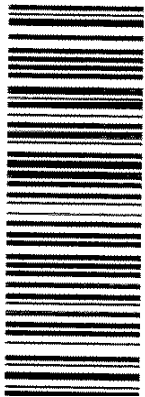
Bureau of Occupational Licenses

Owyhee Plaza

1109 Main Street, Suite 220

Boise, Idaho 83702-5642

CERTIFIED MAIL



7000 1530 0005 5350 2046

RETURN SERVICE REQUESTED

WILLIAM D VOTAW
PO BOX 4437
BOISE ID 83711

SENDER: COMPLETE THIS SECTION

1. Article Addressed to: *Final Order*
2. Article Number (Copy from service label)
7000 1530 0005 5350 2046

WILLIAM D VOTAW
PO BOX 4437
BOISE ID 83711

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) *David Votaw* B. Date of Delivery *5/14/03*
- C. Signature *[Signature]* D. Is delivery address different from item 1? ☒ Yes ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

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Final Order

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